



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/812,217

03/29/2004

Kevin Christopher Tissue

3036

7590

09/01/2005

Kevin Tissue
405 PARKVIEW DR
PARK CITY, UT 84098

EXAMINER

VU, STEPHEN A

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|--|--|
| Office Action Summary | Application No. 10/812,217 | Applicant(s) TISUE, KEVIN CHRISTOPHER | |
| | Examiner Stephen A. Vu | Art Unit 3636 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/18/05 and June 17, 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Lloyd (#6,698,831).

Lloyd shows a seat clamping assembly comprising a quill link, a clamp link, and a support link for providing support between the quill link means and the clamp link means. Each of the links has means for attachment to each other in a triangular truss configuration having three pivot axes.

With claims 2,6, and 14, an angular position adjustment means is provided for adjusting angular position of the seat.

With claims 3-4,11, and 20, a horizontal position adjustment means is provided for adjusting horizontal position of the seat.

With claim 7, the angular position adjustment means alters distance between at least two of the three pivot axes.

With claims 8 and 15, the angular adjustment means comprises the quill link.

With claim 9, the angular position adjustment means comprises the claim link.

With claims 10 and 19, the angular position adjustment means comprises the support link.

Art Unit: 3636

With claim 16, a pivot adjustment collar means is provided for adjusting the angular position of the seat.

With claim 18, the clamp link means as a means for providing adjustment of the angular position of the seat by clamping at least one seat rail in different locations.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by McFarland (#5,489,139).

McFarland shows a seat clamping assembly comprising a quill link, a clamp link, and a support link for providing support between the quill link means and the clamp link means. Each of the links has means for attachment to each other in a triangular truss configuration having three pivot axes.

With claims 2,6, and 14, an angular position adjustment means is provided for adjusting angular position of the seat.

With claims 3-4,11, and 20, a horizontal position adjustment means is provided for adjusting horizontal position of the seat.

With claim 7, the angular position adjustment means alters distance between at least two of the three pivot axes.

With claims 8 and 15, the angular adjustment means comprises the quill link.

With claim 9, the angular position adjustment means comprises the claim link.

With claims 10 and 19, the angular position adjustment means comprises the support link.

With claim 16, a pivot adjustment collar means is provided for adjusting the angular position of the seat.

With claim 18, the clamp link means as a means for providing adjustment of the angular position of the seat by clamping at least one seat rail in different locations.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Herting (#5,547,155).

Herting shows a seat clamping assembly comprising a quill link, a clamp link, and a support link for providing support between the quill link means and the clamp link means. Each of the links has means for attachment to each other in a triangular truss configuration having three pivot axes.

With claims 2,6, and 14, an angular position adjustment means is provided for adjusting angular position of the seat.

With claims 3-4,11, and 20, a horizontal position adjustment means is provided for adjusting horizontal position of the seat.

With claim 7, the angular position adjustment means alters distance between at least two of the three pivot axes.

With claims 8 and 15, the angular adjustment means comprises the quill link.

With claim 9, the angular position adjustment means comprises the claim link.

With claims 10 and 19, the angular position adjustment means comprises the support link.

With claim 16, a pivot adjustment collar means is provided for adjusting the angular position of the seat.

With claim 18, the clamp link means as a means for providing adjustment of the angular position of the seat by clamping at least one seat rail in different locations.

Response to Arguments

Applicant's arguments filed April 18, 2005 and June 17, 2005 have been fully considered but they are not persuasive. The applicant has argued that the cited three prior art do not disclose or teach the applicant's invention. The examiner disagrees with the applicant's argument. It is best interpreted that all three of the prior art of Lloyd, McFarland, and Herting show a seat clamping assembly comprising a quill link, a clamp link, and a support link for providing support between the quill link means and the clamp link means. Each of the links has means for attachment to each other in a triangular truss configuration having three pivot axes.

Conclusion


THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen A. Vu whose telephone number is 571-272-6862. The examiner can normally be reached on M-F from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Stephen Vu
August 22, 2005



Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600